

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VICTOR MANUEL FONSECA,

Petitioner,

v.

WILLIAM BARR, et al.,

Respondents.

CASE NO. C20-944 RSM

MINUTE ORDER

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge:

On October 27, 2020, United States Magistrate Judge Brian A. Tsuchida entered a Report and Recommendation (R&R) advising that the Court dismiss this action with prejudice. Dkt. #12. The R&R set a November 10, 2020 deadline for Petitioner to object to the R&R. *Id.* at 4. When no objections were received by November 13, 2020, the Court entered an order adopting the R&R and dismissing the action. Dkt. #13. The docket makes clear that Petitioner was mailed a copy of the order dismissing the action.

On December 3, 2020, the Clerk of Court received a filing from Petitioner. Dkt. #15. The filing was not captioned, did not provide an indication of its purpose, and was signed November 4, 2020. Dkt. #15 at 4. The filing also included a “Proof of Service” certifying that

1 Petitioner “served a copy of this motion by First Class Mail for delivery to” the Clerk of Court.
2 *Id.* at 8. The Proof of Service was dated November 3, 2020, one day prior to the signing of the
3 the substantive filing. *Id.*

4 The Court will not consider the filing. The filing makes clear that it does not seek
5 reconsideration of the Court’s order of dismissal as it seeks relief, if at all, from Judge Tsuchida
6 and was executed prior to the Court’s dismissal. *Id.* at 4. If Petitioner intended to object to Judge
7 Tsuchida’s R&R, his objections were not timely received by the Clerk of Court and the Court
8 has no indication of why the filing was received almost a month after the deadline for Petitioner’s
9 objections. Lastly, the Court has entered a final order of dismissal and judgment in this matter
10 and nothing on the record seeks relief from that order and judgment. Accordingly, the Court
11 finds the filing procedurally improper and disregards the filing. A copy of this Order will be
12 mailed to Petitioner at his last known address.

13 DATED this 9th day of December, 2020.

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15 WILLIAM McCOOL, Clerk

16 By s/Paula McNabb
17 Deputy Clerk
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